

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MR. KALIF V. GANT**

**v.**

**MR. MICHAEL CLARK, Warden,  
THE DISTRICT ATTORNEY OF THE  
COUNTY OF PHILADELPHIA and  
THE ATTORNEY GENERAL OF  
THE STATE OF PENNSYLVANIA**

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**CIVIL ACTION**

**NO. 19-5177**

**MEMORANDUM**

**Savage, J.**

**December 23, 2019**

Petitioner Kalif Gant filed a petition for *habeas corpus* relief claiming that the Department of Corrections (“DOC”) still lists a withdrawn warrant as an active detainer against him. He asserts that the detainer will inhibit his eligibility for parole on November 21, 2020 when he reaches the minimum term of his sentence. The Commonwealth concedes that the warrant was withdrawn on July 11, 2007, and the case was expunged in 2014. Therefore, the warrant and the detainer should be removed from the DOC records.

Petitioner did not exhaust his claim in the state courts. To have the warrant withdrawn from the DOC’s list of active detainees, petitioner must file a petition for a writ of *mandamus* in the Commonwealth Court of Pennsylvania. *Foxe v. PA Dept. of Corrections*, 214 A.3d 308, 315-16 (Pa. Cmwlth. 2019). Therefore, we must dismiss the

*habeas* petition without prejudice to the petitioner's right to file a petition for writ of *mandamus* in the Commonwealth Court of Pennsylvania.<sup>1</sup>

/s/ TIMOTHY J. SAVAGE J.

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<sup>1</sup> Petitioner should request a DOC internal process to remove the detainer without litigation. He is advised to present to the appropriate prison official the Commonwealth's response to his petition as proof that the warrant no longer exists.